

OLC 78-2795
8 August 1978

MR

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting Regarding Senate Select Committee on Intelligence Position on Congressional Documents as they Relate to the FOIA

1. On 1 August 1978 a meeting was held in the Dirksen Senate office building. In attendance were the following:

STAT [redacted] CIA Office of Legislative
[redacted] Counsel

STAT [redacted] CIA Office of General
[redacted] Counsel

Mr. Marc Kurzman, Department of Justice
Civil Division, Freedom of Information

Mr. David Shaw, Senate Select Committee on
Intelligence staff

2. The purpose of the meeting was to discuss and suggest modifications to an earlier prepared draft of a letter from Chairman Birch Bayh (D., IND.) to Admiral Turner. The letter described the Committee's position on release of Congressional documents under the FOIA held by CIA. Additionally, the letter (revised draft copy attached) explains in brief the type of document to be included in the heretofore less clear definition of "Congressional" document.

3. The letter is to be utilized as evidence in the [redacted] case (FOIA suit) which is now before the court and which, of course, demands the release by CIA of certain "Church Committee" documents. Hopefully, a signed copy of the agreed upon text will be forwarded to the DCI before this weeks end.

STA

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[redacted]
Assistant Legislative Counsel

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Admiral Stansfield Turner
Director of Central Intelligence ~~Agency~~
Washington, D.C.

STAT

Re:

Dear Director Turner:

The Senate Select Committee on Intelligence has been informed that certain Congressional materials, currently in the physical custody of your Agency, have been requested pursuant to provisions of the Freedom of Information Act, ^{THIS & OTHER CASES.} More specifically, the Committee understands that the material requested includes material and information originating with this Committee and its predecessor, material prepared for the committee in response to its expressed interests and, in some cases, specific questions put to your Agency. *

This Committee (pursuant to S. Res. 400 94th Cong.) and its predecessor, the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, (pursuant to S. Res. 21, 94th Cong.) has exchanged with your Agency a great deal of (national security) information and documents of a very sensitive nature. The history of this free-flow exchange of information and documents is an essential part of the consultative and deliberative process necessitated by the nature of the oversight responsibilities of the Congress. In fact, it is essential that this procedure continue undiminished if this Committee is to discharge its obligations * WHICH WOULD DISCLOSE THE AREAS OF INTEREST AND FOCUS OF THE SSCI.

to the Congress and the American people. Consistent with this approach, strict security procedures are in effect for all of the Committee's (sensitive) intelligence activities records.

When this Committee completes its work in an area, a determination will be made according to the Senate rules as to which of its materials and information can and should be released to the public after very careful weighing of all the relevant considerations. We strongly request that you protect all of this Congressional material and information from disclosure outside of your Agency prior to the Committee's release of its documents and information in accordance with our own procedures. Should you desire to release any SSCI material for any purpose, we would request that you obtain our approval prior to making such a release.